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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/267,639	03/15/1999	TAKU KATOH	04329.2078	7338

22852 7590 07/29/2003*

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EXAMINER*

CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/267,639

Applicant(s)

KATOH ET AL.

Examiner

Paul E. Callahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 1-13 are pending in this application and have been examined.

Response to Arguments

2. Applicant's arguments filed 4-8-2003 have been fully considered but they are not persuasive.

Applicant argues in traverse of the rejections of the claims under 35 U.S.C. 102(b) as being clearly anticipated by Itami, US Patent 5,418,852.

The Applicant argues that Itami does not teach superimposing an identification information on presentation target data, yet Itami teaches such at col. 14 lines 50-60 where the ID data is taught as being superimposed on a user accessible target data area. From Itami line 56: "However it is possible to record the ID Data on the user accessible area by using an error correction code (ECC) recorded on a sector area accessible in the normal mode." Itami refers to ID Data here, not intentionally incorrect data as the Applicant suggests. Therefore the Applicant's arguments do not distinguish the claimed invention from the teachings of Itami.

Applicant argues in traverse of the rejection of the claims as being obvious over Itami. In view of Sako, European Patent Application EPO 794 496 A1, by stating that the Sako reference does not teach the features of the claimed invention of a plurality of partial identification information are superimposed to a plurality of positions in the presentation target data. Yet a careful review of col. 5 lines 6-37 shows that Sako does indeed teach a plurality of partial identification information: producer identification information, dealer identification

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information, record apparatus or encoder identification information, etc... is separately superimposed. Again, Itami was used to teach superimposing the plurality of partial identification information into the presentation target data area.

Applicant argues that Sako does not encode or scramble this partial identification information, yet such is taught by Sako in col. 5 lines 7-37, where in line 13 Sako teaches; "The key information for this ciphering uses, as at least a portion thereof, the identification information..." The Applicant further states that Sako does not disclose the identification information recited in claims 8 and 10, yet a reasonably broad interpretation of the term of art "identification information" found in claims 8 and 10 does read on the identification information taught by Sako.

Claim Rejections - 35 USC § 112

3. Applicant's changes to the language of the claims made in the latest amendment have overcome the outstanding rejections of claims 9-12 under 35 U.S.C. 112 2nd Paragraph.

Claim Rejections - 35 USC § 102 - 35 USC § 103

4. The latest amendment to the claims does not add, alter, or modify any claim limitation beyond rewriting certain of them for clarity. The limitations and scope of the claims has not changed. No changes to the language of the rejections of the claims as found in the previous Office Action in the case have been necessitated by the latest amendment. Therefore the text of the rejections of claims 1, 3, 4, 7, 9, and 11-13 under 35 U.S.C. 102(b) as being clearly anticipated by Itami, US Patent 5,418,852, and the rejections of claims 2, 5, 6, 8, and 10 under 35

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U.S.C. 103(a) as being obvious over Itami in view of Sako, European Patent Application EPO 794 496 A1, will not be repeated herein but instead are herein incorporated in their entirety by reference to the previous Office Action in the case. The Applicant is referred to the previous Office Action in the case for the test of the rejections.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (703) 305-1336. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse, can be reached on (703) 308-4789. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 746-7239 Official Faxes, (703) 746-7240 Unofficial Faxes, and (703) 746-7238 After Final Faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

7/25/03

Paul Callahan


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100